

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

DATE: Jan 28, 29, 30, 2003  
Feb 6 & 7, 2003

TIME: 9:30 a.m.

CLERK'S MINUTES OF HEARING

HEARING BEFORE:  Senior Judge E L. Mechem  
 Vickie L. Gabin, Special Master

CASE NAME & NUMBER: STATE OF NEW MEXICO, STATE ENGINEER v. ARAGON

69cv07941-JLG-ACC, CHAMA ADJUDICATION  
SECTION 5, RIO GALLINA DISPUTED SUBFILES

COUNSEL:

PLAINTIFF:

EDWARD G. NEWVILLE

DEFENDANTS:

MARY E. HUMPHREY

SEE ATTACHED LIST

NOTES: RE: ORDER # 7005 filed 1-7-03 and ORDER # 7014 filed 1-13-03  
(amending # 7005). Hearing held at USOC room 740 on  
date as scheduled in orders # 7005 and # 7014 with the  
additional date of February 6, 2003.

Hearing proceeded according to Pre-Trial Order # 7023,  
filed 1-21-03, with some variations in schedule and  
changes in witness listed in list a few witnesses  
were not available to testify.

- 1) Testimony relevant to all the disputed subjects was  
received from expert witness for defendants and the  
State on the matter of water availability in irrigation in the  
Red Gallina and Rio Capulin areas.
- 2) Claims and irrigators testified concerning the  
historical practice on lands designated subjects (AGH 04-0003 & 04-004).

COURT REPORTERS:

JAN 28, 2003

IRENE DELGADO

JAN 29 & 30, FEB 6 & 7, 2003

CONNIE JURADO

OTHERS ATTENDING:

SEE ATTACHED  
LISTS

PAUL BACA PROFESSIONAL COURT REPORTERS

500 4 1/2 ST. NW, SUITE 105

P.O. Box 1868, ALBUQUERQUE, NM 87103

(505) 843-9241 FAX (505) 843-9242

7052

RIO CHAMA ADJUDICATION, SECTIONS 5, RIO GALLINA

HEARINGS ON DISPUTED SUBFILES, JAN 28, 29, 30; FEB 6 & 7, 2003

PAGE 2

State witness presented findings from their investigation of subject properties; expert testimony from both plaintiff and defendant.

3) Claimant for Subfile CHGA-004-0003 through CHGA-003-0005 testified as to conditions on tracts and as to efforts to repair irrigation structures.

State presented testimony of OSE employees who investigated claimants tracts in view of possible abandonment of water rights.

4) On subfile CHGA-003-0019 testimony was presented on the issue of whether irrigation water was put to beneficial use.

5) The issue in regard to Subfile CHGA-003-0007 are the questions of whether a water right has been used to irrigate part of a single property; if there has been an illegal change in the point of diversion and if there has been a abandonment of a water right.

6) Findings of fact and conclusions of law are due to be filed within 45 days after filing of trial transcript.

7) A list of witnesses who testified and exhibits admitted during the trial is attached to these minutes.

8) A list of attorneys and interested parties from Section 5 is attached to these minutes; also attached are attendance sheets for each day of trial.

THE EXHIBITS ATTACHED TO THIS  
PLEADING ARE TOO VOLUMINOUS TO  
SCAN. SAID EXHIBITS ARE ATTACHED  
TO THE ORIGINAL PLEADING IN THE  
CASE FILE WHICH IS LOCATED IN THE  
RECORDS DEPARTMENT, U.S.  
DISTRICT COURT CLERK'S OFFICE.